

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA.

Plaintiff,

v.

Case No. 2:25-mj-00330-DLM

CRISTHIAN ADRIAN ORTEGA-LOPEZ,

Defendant.

SECOND OPPOSED EMERGENCY MOTION
TO DETAIN MATERIAL WITNESS

Defendant, Cristhian Adrian Ortega-Lopez, through counsel of record Chaz Rotenberg and Gia McGillivray, Assistant Federal Public Defenders, moves the Court pursuant to 18 U.S.C. § 3144 to temporarily detain EFFREN MONTILLA-CASTILLO and JUAN MANUEL ACEVEDO-LEON, for a period of no more than 30 days, for the purposes of conducting a deposition, as the testimony of these witnesses is material. The Government opposes this Motion.

Earlier today, defense filed an Emergency Motion to Detain Material Witnses. (Doc. 19.) The Court summarily denied the motion under N.M. LR-Crim. 47.1. and 47.2 and instructed Defense to file a new motion for U.S. District Judge Margaret Strickland's review. (Doc. 22.) The Court further found that "Defendant fails to state, however, what testimony these deponents would likely offer." (*Id.* at 1.)

Under 18 U.S.C. § 3144, Mr. Ortega-Lopez is not required to disclose what material testimony potential deponents would offer. Instead, the statute requires only that Mr. Ortega-Lopez state that the testimony is material. *See* 18 U.S.C. § 3144. That said, Defense has obtained information that Mr. Montilla-Castillo and Mr. Acevedo-Leon would provide material testimony

regarding Mr. Ortega-Lopez's alleged criminal conduct as asserted in the Complaint. (*See* Doc. 1.) Specifically, Mr. Montilla-Castillo and Mr. Acevedo-Leon would provide testimony regarding the handling of any firearms and whether those firearms were, in fact, real.

Given the time sensitive nature of the impending removal of Mr. Montilla-Castillo, Defense requests that the Court temporarily detain both Mr. Montilla-Castillo and Mr. Acevedo-Leon for a period of no more than 30 days so that Defense may depose these material witnesses pursuant to 18 U.S.C. § 3144.

The Defense now reasserts its emergency request to detain material witnesses. Defense contacted AUSA Maria Armijo, and she advised that the Government opposes the Motion.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
506 S Main Street, Suite 400
Las Cruces, NM 88001
(575) 527-6930

Electronically filed March 21, 2025

By: /s/ Chaz Rotenberg

Chaz Rotenberg
Assistant Federal Public Defender

Gia McGillivray
Assistant Federal Public Defender

State of New Mexico)
ss:)
County of Dona Ana)

I, Chaz Rotenberg, being duly sworn, make the following statements:

1. I am over 18 years of age and am competent to make this sworn statement. I swear that the information is true to the best of my knowledge and belief and is based on my personal knowledge.
2. I am appointed counsel for Cristhian Adrian Ortega-Lopez in case 2:25-mj-00330-DLM, and I submit this statement in support of the Emergency Motion to Detain Material Witnesses.
3. Effren Montilla-Castillo and Juan Manuel Acevedo-Leon are currently detained at the Otero County Immigration Processing Center in Chaparral, New Mexico.
4. Both Mr. Montilla-Castillo and Mr. Acevedo-Leon have information that is material in Mr. Ortega-Lopez's criminal proceeding,
5. Early in the morning of March 21, 2025, undersigned counsel received correspondence from AUSA Maria Armijo that ERO intends to deport Mr. Montilla-Castillo in the next 12 hours based on the passage of time. If Mr. Montilla-Castillo is deported it will be impracticable to secure his presence by subpoena. The same is true of Mr. Acevedo-Leon.
6. Release and deportation of Mr. Montilla-Castillo and Mr. Acevedo-Leon should be delayed for a reasonable period of time until the deposition of these witness can be taken.



Chaz Rotenberg